

RECEIVED

Aug 14 2026

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM BERKELEY COUNTY

Circuit Court

The Honorable T. J. Rode, Presiding Judge

Case No. 2025-001820

Miranda Mitchum,
Appellant,

v.

David Hayes and Brooks A. Hayes,
Respondents.

INITIAL BRIEF OF APPELLANT

Miranda Mitchum

630 Levee Drive

Moncks Corner, SC 29461

(843) 609-4320

mirandamitchum0392@gmail.com

Appellant Pro Se

John West

207 Carolina Avenue

Moncks Corner, SC 29461

Attorney for Respondents

David Hayes	and Brooks A Hayes respondents	Appeal From berkeley
	)	
	)	
	)	Case No.: 2025-001820 v.
	)	Appellate Case No.: lower court 2024-
miranda mitchum appellant	)	cp-0803108
	)	
	)	
	)	

TABLE OF AUTHORITIES	3
STATEMENT OF THE CASE	4
STATEMENT OF ISSUES PRESENTED FOR REVIEW	5
STATEMENT OF FACTS	6
STANDARD OF REVIEW	7
ARGUMENT	8
I. THE CIRCUIT COURT ERRED IN GRANTING SUMMARY JUDGMENT WHERE RESPONDENT LACKED STANDING AND FAILED TO SUBMIT PROOF OF OWNERSHIP OR CONTRACTUAL RIGHT PRIOR TO RULING	4
II. THE CIRCUIT COURT VIOLATED APPELLANT'S DUE PROCESS RIGHTS BY GRANTING SUMMARY JUDGMENT WITHOUT ANY DISCOVERY Or DEPOSITION	4
III. THE CIRCUIT COURT ERRED IN CONSIDERING UNTIMELY EVIDENCE SUBMITTED AFTER THE INTERLOCUTORY ORDER TO WHICH APPELLANT HAD NOT BEEN SERVED PROPERLY TO INSPECT AND NO MOTION TO FILE EVIDENCE AFTER INTERLOCUTORY ORDER	
1111 THE TRIAL COURT ERRED IN DENYING APPELLANT MOTION 60B For	

EXCUSABLE NEGLECT APPELLANT NEVER RECEIVED SUMMONS AnD
COMPLAINT ,NEVER RECEIVED THE FRAUDULENT TITLE THAT HAD NO
AFFADAVIT AND DOES NOT MATCH THE CONTRACT SUBJECT ,AND APPELLANT
DIDN'T GET A CHANCE TO RESPOND OR CHALLENGE NO MOTION WAS FILED BY
RESPONDENT TO ADMIT LATE EVIDENCE AS APPEALLANT FILED 60b MOTION
THIS MOTION APPELLANT FILED AND AFFADAVIT IN SUPPORT WAS DENIED AS
THIS VIOLATED DUE PROCESS

11111 The Trial Court Abused Its Discretion and Violated Due Process by Accepting
respondent's Late Summary Judgment Evidence Without a Formal Motion or Showing of
Excusable Neglect.Under Rule 56 and fundamental procedural fairness,

..... 5 CONCLUSION

.....

12

TABLE OF AUTHORITIES

Cases

BCCN, Inc. v. BCCN Holdings, LLC, 431 S.C. 200, 847 S.E.2d 265 (Ct. App. 2020)	5
Bank of Am., N.A. v. Inman, 408 S.C. 1, 757 S.E.2d 537 (2014)	5, 6
Baughman v. American Tel. & Tel. Co., 306 S.C. 101, 410 S.E.2d 537 (1991)	7, 8
Dawn v. Meuns, 357 S.C. 57, 591 S.E.2d 625 (2003)	8
Sea Pines Plantation Co. v. Wells, 294 S.C. 266, 363 S.E.2d 891 (1987)	6
Waste Mgmt. of S.C., Inc. v. S.C. Dep't of Health & Env'tl. Control, 395 S.C. 331, 718 S.E.2d 211 (2011)	5

Constitutions & Statutes

S.C. Const. art. I, § 3 (Due Process Clause)	7
S.C. Code Ann. § 56-19-210 et seq. (Motor Vehicle Title Act)	6

Court Rules

Rule 56, SCRPC (Summary Judgment)	standard passim
Rule 60(b), SCRPC (Relief from Judgment or Order)	2, 4, 10

STATEMENT OF THE CASE

This appeal arises from a civil action in the Court of Common Pleas for Berkeley County, wherein Plaintiff-Respondent sought money damages and/or recovery of property under an alleged contract of sale R at page with mobile home and vin WHC10015GA-AB and lease lot at 630 levee drive Appellant, did not know of anything that was filed until March 2025 the respondent failed to attach proof that they are the owner and they are entitled to relief they requested also at the start of the lawsuit lack of proof of ownership and lack of entitlement and failure of contract

Prior to the chance of appealant to get a chance for discovery Respondent moved for Summary Judgment pursuant to Rule 56, SCRPC. Appellant gave timely notice to opposing

counsel a sudden medical emergency that prevented Appellant from attending the hearing on Respondent's motion for discovery, and Appellant requested a postponement/continuance and upon calling the respondent attorney John West he slammed the phone down and said he will not give me another date for discovery hearing and deposition R at page

Without granting a continuance or permitting discovery to proceed, the Circuit Court granted Respondent's Motion for Summary Judgment and entered an Interlocutory/Final Order. Crucially, at the time the order was rendered, Respondent had failed to file or introduce competent, admissible documentary evidence establishing legal title or ownership of the vehicle/contract at issue. Only after entry of the court's order did Respondent submit a scratched off/alterd title document, which Appellant was never served with prior to the ruling and was thus denied any opportunity to object to or challenge. As this document does not match the phantom vin in the contract and there is still no admissible legal evidence on file linking the respondent to that specific subject in the contract please see contract page and also scratched off title with no affidavit that was filed after interlocutory order that does not match the phantom vin and subject in the contract

The Trial Court Abused Its Discretion and Violated Due Process by Accepting respondent's Late Summary Judgment Evidence Without a Formal Motion or Showing of Excusable Neglect. Under Rule 56 and fundamental procedural fairness, a party seeking to submit evidence after scheduling deadlines must move for leave and establish cause. Here, the trial court erred as a matter of law by considering untimely evidentiary submissions of the opposing party without a formal motion, depriving Appellant of adequate notice and the opportunity to respond. Appellate courts routinely hold that permitting unexcused, untimely evidentiary filings prejudices the opposing party and subverts the integrity of the summary judgment process. See, e.g., *Full Pro Restoration v. Citizens Prop. Ins. Co.* (noting trial courts maintain strict discretion regarding late proffers); *Johnson v. Abdullah* (explaining abuse of discretion occurs when a court acts arbitrarily or unreasonably regarding procedural mandates). The lower court's uncritical acceptance of this late material directly compromised Appellant's constitutional right to a fair hearing.

Appellant filed a Notice of Appeal and subsequently sought relief in the Circuit Court via a Motion under Rule 60(b), SCRCP. Following the denial of Rule 60(b) relief by the Circuit Court, this Court properly accepted jurisdiction over Appellant's appeal.

Appellant was not notified of the November 4 filing and notice of appearance or the summons and complaint until March 3—116 days later. Answers were submitted without my knowledge or consent and appellant told the judge on the summary judgment hearing and also filed 60 b motion in that order the judge stated that under 60b motions they were denied I also filed proof that I did not receive a summons and complaint until March 3 2025 therefore the answers submitted in December 9 2024 were without my knowledge or consent even with proof that was denied also at the summary judgment hearing transcript (r at page.) told the judge would he like to see the proof that I also filed and he said no. both were denied Counsel filed an answer without Defendant's knowledge or consent, violating Fourteenth Amendment due process rights as shown in the attached proof. As soon as I knew counsel did that I filed to remove him as counsel please see exhibit K On Lack of Authority: "An attorney cannot bind a party without express authority. Here, the former attorney filed an answer without Appellant's knowledge, consent, or authorization. Upon discovering this unauthorized representation, Appellant immediately terminated the attorney and filed a motion to dismiss Procedural Violations (South Carolina Rules of Civil Procedure)

- **SCRCP Rule 12(a):** Missing the mandatory 30-day deadline to serve a responsive pleading.
- **SCRCP Rule 6(b)(2):** Submitting a late answer without filing a formal Motion for Enlargement of Time supported by affidavits proving "excusable neglect" (*Elijah v. Elijah*).

Ethical Violations (South Carolina Rules of Professional Conduct)

- **Rule 1.2 (SCACR Rule 407):** Filing unauthorized pleadings without consulting you or securing your agreement on objectives.
- **Rule 1.4 (SCACR Rule 407):** Failing to keep you informed of crucial case developments and deadlines.
- **Rule 1.3 (SCACR Rule 407):** Lack of reasonable diligence and promptness in handling court filings.

because the trial judge allowed an unauthorized, late-filed answer without requiring a Rule 6(b) motion, summary judgment was granted on a procedurally defective record

On Due Process & Personal Jurisdiction: "Because Appellant was never personally served with the summons and complaint, this violated my rights under the fourteenth amendment

STATEMENT OF ISSUES PRESENTED FOR REVIEW

Issue I: 1. Did the Circuit Court err in granting Summary Judgment in favor of Respondent when Respondent failed to produce admissible evidence of legal ownership, title, or standing under South Carolina law prior to entry of the order?

Issue II: 2. Did the Circuit Court deny Appellant constitutional due process and abuse its discretion by granting Summary Judgment without allowing discovery to take place ?

Issue III: 3. Did the Circuit Court commit reversible error by relying on or permitting post-order filing of altered/scratched-off title documentation, thereby depriving Appellant of the procedural opportunity to inspect, object to, and refute the evidence?

1111 Did the Circuit error in accepting a scratched off title number after interlocutory order with no motion to amend pleadings or motion to submit later evidence and without apppleant to challenge or inspect ? and motion 59e and 60 b where denied ?And that fraudulent. Document with no affadavit does not match the phantom vin in the contract

Issue V: Whether the trial court abused its discretion or erred as a matter of law in denying Appellant's Rule 59€ and Rule 60(b) motions regarding the post-interlocutory filing of a altered title document—bearing an altered title number and never served on Appellant—despite unrefuted affidavit evidence supporting the motion.

Issue VI: Whether the trial court abused its discretion in denying Appellant's Rule 60(b) motion on the grounds of excusable neglect, where opposing counsel filed answers without Appellant's knowledge, notice, or consent during a 116-day period of non-communication, notwithstanding documentary proof establishing lack of notice and authority.

STATEMENT OF FACTS

On or about november4 2024, (r at page.) Respondent initiated a lawsuit in the Court of Common Pleas alleging breach of contract and demanding possession of a mobile home. Appellant did not know about or consent to the answers submitted on December 9 2024 r at page as no motion to admit this late evidence was filed in violation of rule 6 b motionThe lawsuit under vin number ,WHC10015GA-AB is a phantom subject as this does not exist anywhere as a judgment rendered on a phantom subject is void .

Respondent filed a Motion for Summary Judgment. And appellant on August 25 filed memorandum in opposition to summary judgment. At page no formal discovery had been conducted, the opposing attorney would not provide me with a discovery reschedule (at page.) N and nor did the Appellant been afforded an opportunity to do discovery South Carolina Rules of Civil Procedure (SCRPC)

****Rule 56(f), SCRPC (Premature Summary Judgment):** South Carolina case law (Baughman v. AT&T, Dawkins v. Fields) firmly establishes that summary judgment must not be granted until the opposing party has had a full and fair opportunity to complete discovery. If discovery is incomplete because the opposing party would not reschedule due to medical emergency

Rule 26©, SCRPC (Protective Orders): An attorney cannot unilaterally cancel or refuse discovery. To legally stop discovery, they are required to file a motion for a protective order with the court.

Rule 37, SCRPC (Failure to Make Discovery & Sanctions):

2. Constitutional Rights

Procedural Due Process (U.S. Constitution, 14th Amendment & S.C. Constitution, Art. I, § 3): Due process guarantees you the fundamental right to notice and a meaningful opportunity to be heard. Denying a party the ability to gather evidence essential to their case before rendering a final summary judgment deprives them of a fair trial and violates constitutional due process.

The judge erred on relying on a factual premise a oral summary judgment was granted on September 5 2025 that is completely contradictory please see transcript in exhibit B as no granted summary judgment was granted also see (at page) order where the judge stated he granted summary judgment orally which was not when both parties appeared at the hearing

1. **Factual Error / Unsupported Finding:** The judge erred by relying on a factual premise—that an oral summary judgment was granted on September 5, 2025—that is completely contradicted and unsupported by the official transcript.
2. **Procedural Due Process Violation:** Premising the denial of your Motion to Dismiss on a non-existent summary judgment ruling denied you full and fair consideration of your motion.

3. **Improper Denial as "Moot":** The court committed reversible error by declaring your motion moot based on an event that never occurred.

4. The record reflects that the trial court did not orally grant summary judgment during the prior proceeding. Because no oral summary judgment was ever rendered or entered into the record, Appellant's motion was live, ripe for review, and required full judicial consideration on the merits. Declaring the motion moot constituted reversible legal error that prejudiced Appellant's case.

5. The trial court erred in holding that Appellant waived the right to a jury trial. Appellant's prior counsel filed responsive pleadings without Appellant's knowledge or authorization, concealing the filings from Appellant for 116 days. Denying Appellant's motion and right to a jury trial based on unauthorized filings by prior counsel violates procedural due process and constitutes an abuse of discretion.

STATEMENT OF THE CASE / ASSIGNMENT OF ERROR

"The trial court erred on September 8, 2025, by holding that Plaintiff had been orally granted summary judgment during the September 5, 2025 hearing, and subsequently denying Appellant's Motion to Dismiss as moot on that basis.

Contrary to the trial court's assertion, the official transcript for the September 5, 2025 hearing (**r at page 1**) contains no oral grant of summary judgment. Because no summary judgment was granted, Appellant's Motion to Dismiss was not moot, and the trial court committed reversible legal error by refusing to hear or rule on its merits."

At the time summary judgment hearing, the record was entirely devoid of legally sufficient evidence establishing Respondent's ownership or legal title. Following the entry of the interlocutory order, Respondent submitted a document of a supposed title that contained visible alterations and scratch-offs. Because this evidence was submitted post-ruling, Appellant was completely precluded from lodging timely evidentiary objections or presenting counterevidence. Appellant filed affidavit and motion for relief under 59 e and 60 b both were denied as I didn't get a chance to challenge and no motion was filed for late evidence in violation of procedural rules and due process please see exhibit the order denying 60 b and 59 e is in designation of matter and also the notice of consolidated appeal October 30 2025 with the honorable appellate court (**r at page 1**)

CIRCUIT COURT ABUSED ITS 1. Deprivation of Notice and Right to Inspect (Rule 5, SCRC P & Due Process)

Under **Rule 5(a), SCRCP**, every order, pleading, or written notice must be served upon each of the parties. The lower court erred by allowing a title to be filed post-interlocutory order without service, mailing, or formal notice, completely depriving me of my fundamental due process right to inspect the filing and object. The South Carolina Court of Appeals has repeatedly established that a judgment or order entered without proper notice violates due process and constitutes reversible error (*see, e.g., Miller v. Miller*, 375 S.C. 213, 652 S.E.2d 754 (Ct. App. 2007) (reversing where a party was deprived of proper notice and an opportunity to be heard)).

2. Attribution of Unauthorized Attorney Pleadings

The lower court erred by attributing legal pleadings—specifically responses to the summons and complaint—to me, despite uncontradicted documentary email evidence proving I had no knowledge of these filings for 116 days. Under South Carolina law, an attorney cannot bind a client without actual or apparent authority (*see Hall v. Benefit Ass'n of Ry. Emps.*, 164 S.C. 516, 161 S.E. 867 (1932)). Because I never authorized these pleadings, attributing them to me violated my basic procedural rights.

The trial judge committed a clear abuse of discretion by arbitrarily ignoring uncontradicted documentary proof regarding my lack of knowledge. Under **Rule 60(b)(1), SCRCP**, relief from a judgment or order is required upon a showing of mistake, inadvertence, or excusable neglect. An abuse of discretion occurs when the trial court's order is controlled by an error of law or lacks evidentiary support (*Sundown Operating Co. v. Intralink Cost Recovery Sols., Inc.*, 383 S.C. 601, 681 S.E.2d 24 (Ct. App. 2009)). By disregarding unchallenged evidence of unauthorized filings, the trial court committed reversible error.

STANDARD OF REVIEW

When reviewing an order granting summary judgment, the appellate court applies the exact same standard as the circuit court under Rule 56(c), SCRCP: summary judgment is appropriate only when there is no genuine issue as to any material fact and the moving party is entitled to judgment as a matter of law. *BCCN, Inc. v. BCCN Holdings, LLC*, 431 S.C. 200, 208, 847 S.E.2d 265, 269 (Ct. App. 2020). In determining whether genuine issues of material fact exist, the evidence and all inferences reasonably drawn therefrom must be viewed in the light most favorable to the nonmoving party. *Id.*

Furthermore, while the grant or denial of a continuance is typically within the sound discretion of the trial judge, an abuse of discretion occurs when the trial court's order is controlled by an error of law or where the order is based on findings of fact lacking evidentiary support,

particularly where constitutional due process rights are infringed. *Dawn v. Meuns*, 357 S.C. 57, 61, 591 S.E.2d 625, 627 (2003).

ARGUMENT

I. THE CIRCUIT COURT ERRED IN GRANTING SUMMARY JUDGMENT WHERE RESPONDENT LACKED STANDING AND FAILED TO SUBMIT PROOF OF OWNERSHIP OR CONTRACTUAL RIGHT PRIOR TO RULING.

To maintain a civil action in South Carolina, a plaintiff must possess legal standing—meaning the plaintiff must have a real, actual interest in the subject matter of the litigation. *Waste Mgmt. of S.C., Inc. v. S.C. Dep't of Health & Envtl. Control*, 395 S.C. 331, 336, 718 S.E.2d 211, 214 (2011). Standing is a threshold requirement to invoke the judicial power of the Court of Common Pleas. *Bank of Am., N.A. v. Inman*, 408 S.C. 1, 5, 757 S.E.2d 537, 539 (2014).

In actions involving personal property or motor vehicle contracts, South Carolina law requires proof of legal ownership or a perfected security interest to establish standing to sue. Under S.C. Code Ann. § 56-19-210 et seq., a certificate of title issued by the Department of Motor Vehicles is primary evidence of vehicle ownership. In the instant case, at the time Respondent moved for summary judgment, Respondent submitted no admissible title, contract assignment, or proof of ownership linked to the specific VIN.

Because Respondent failed to produce foundational evidence of ownership prior to the circuit court's ruling, Respondent failed to establish standing as a matter of law. The moving party on summary judgment bears the initial burden of demonstrating the absence of any genuine issue of material fact. *Sea Pines Plantation Co. v. Wells*, 294 S.C. 266, 270, 363 S.E.2d 891, 893 (1987). By granting summary judgment in favor of a party that offered zero competent evidence of title or ownership on the record, the Circuit Court committed clear reversible error.

II. THE CIRCUIT COURT VIOLATED APPELLANT'S DUE PROCESS RIGHTS BY GRANTING SUMMARY JUDGMENT WITHOUT DISCOVERY AND DENYING A CONTINUANCE FOR A DOCUMENTED MEDICAL EMERGENCY.

Procedural due process under Article I, Section 3 of the South Carolina Constitution demands notice and a meaningful opportunity to be heard before a party can be deprived of property rights. Summary judgment is a drastic remedy that cuts off a litigant's right to trial, and South Carolina courts have repeatedly emphasized that summary judgment is inappropriate where

the party opposing the motion has not had a full and fair opportunity to conduct discovery. *Baughman v. American Tel. & Tel. Co.*, 306 S.C. 101, 112, 410 S.E.2d 537, 544 (1991).

Here, summary judgment was granted prematurely without allowing Appellant to complete discovery regarding the alleged contract and title chain. Moreover, Appellant was deprived of the right to be heard at the deposition due to an unforeseen medical emergency. And the respondents did not reschedule please see page Appellant gave prompt notice and opposing party requesting a brief continuance. Denying a continuance under circumstances involving a bona fide medical crisis—and immediately granting judgment against the absent party without discovery—constitutes an abuse of discretion and a denial of constitutional due process.

1. III. THE CIRCUIT COURT ERRED IN CONSIDERING UNTIMELY EVIDENCE SUBMITTED AFTER THE INTERLOCUTORY ORDER WHICH RESPONDENT DID NOT FILE MOTION FOR LEAVE AFTER INTERLOCUTORY ORDER

The integrity of the summary judgment record requires that all supporting evidence be served and filed in accordance with Rule 56(c), SCRCP, prior to the hearing so that the opposing party may inspect the evidence and file opposing affidavits or objections. Evidence submitted after the entry of an interlocutory order or judgment cannot retroactively validate an unsupportable ruling. The blackened out supposed title with no affidavit as this was filed at 11:03 September 8 2025 and the interlocutory order was 10:49

In this case, Respondent submitted a scratched-off/alterd title document with no authenticated proof and no affidavit to that fraudulent document only after the Circuit Court had already entered its order. Appellant was never served with this title prior to the court's decision and under the South Carolina Rules of Evidence. Relying upon or allowing post-hoc evidentiary submissions deprives the non-moving party of a fair defense and mandates reversal of summary judgment. Also, this document does not match the VIN in the contract and no bill of sale and no title was filed at the start of this lawsuit. (r at page) the fraudulent document filed at 11:03 and interlocutory order was 10:49 (r at page.)

CONCLUSION & RELIEF SOUGHT

For the foregoing reasons, Appellant respectfully requests that the South Carolina Court of Appeals OVERTURN and REVERSE the Circuit Court's order granting Summary Judgment, and

REMAND this action to the Court of Common Pleas for full discovery and further proceedings on the merits. Thank you

I declare under penalty of perjury the foregoing is true and correct

Miranda Mitchum

Miranda mitchum
630 levee drive
Moncks corner sc 29461

CERTIFICATE OF SERVICE

I hereby certify that on August 13, 2026, a true and correct copy of the Initial Brief was served upon:

John West

207 Carolina Avenue

Moncks corner sc

29461

RECEIVED
Aug 14 2026
SC Court of Appeals

By placing a copy in the United States Mail, first-class postage prepaid.

Miranda Mitchum

Miranda Mitchum

Appellant

Miranda mitchum
630 levee drive
Moncks corner sc
29461